

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or unexpired Lease ☐ Lien Avoidance

Last revised: November 14, 2023

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Jose Carlos Garriga Bencomo

Case No.: 24-13654
Judge: Vincent F Papalia

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

Date: April 30, 2024

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

The Court issued a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the Chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY, AND SPECIFY: ☐ 7a / ☐ 7b / ☐ 7 c.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY, AND SPECIFY: ☐ 7a / ☐ 7b / ☐ 7 c.

Initial Debtor(s)' Attorney: W Initial Debtor: JC Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

- a. The debtor shall pay to the Chapter 13 Trustee \$ 1,040.00 monthly for 2 months starting on the first of the month following the filing of the petition. (If tier payments are proposed) : and then \$ 1,088.00 per month for 58 months; \$ _____ per month for _____ months, for a total of _____ months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description: _____
Proposed date for completion: _____
- ☐ Refinance of real property:
Description: _____
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering real property:
Description: _____
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification. See also Part 4.
- ☐ If a Creditor filed a claim for arrearages, the arrearages ☐ will / ☐ will not be paid by the Chapter 13 Trustee pending an Order approving sale, refinance, or loan modification of the real property.
- e. For debtors filing joint petition:
- ☐ Debtors propose to have the within Chapter 13 Case jointly administered. If any party objects to joint administration, an objection to confirmation must be timely filed. The objecting party must appear at confirmation to prosecute their objection.

Initial Debtor: JC Initial Co-Debtor: _____

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor). (Adequate protection payments to be commenced upon order of the Court.)

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s), pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Name of Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 3,750.00
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Name of Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor monthly obligations due after the bankruptcy filing as follows:

Name of Creditor	Collateral or Type of Debt (identify property and add street address, if applicable)	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor by Trustee	Regular Monthly Payment Direct to Creditor
AmeriSave/Dmi	740 Forest Street, Kearny, NJ 07032	\$2,457.91		\$2,457.91	Debtor shall pay the regular monthly payment pursuant to the terms of the underlying loan documents unless otherwise ordered.

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor monthly obligations due after the bankruptcy filing as follows:

Name of Creditor	Collateral or Type of Debt (identify property and add street address, if applicable)	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor by Trustee	Regular Monthly Payment Direct to Creditor
					Debtor shall pay the regular monthly payment pursuant to the terms of the underlying loan documents unless otherwise ordered.

c. Secured claims to be paid in full through the plan which are excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Interest Rate	Amount of Claim	Total to be Paid Including Interest Calculation by Trustee

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid by Trustee

2.) Where the Debtor retains collateral and completes all Plan payments, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the automatic stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 shall be terminated in all respects. The Debtor surrenders the following collateral:

Name of Creditor	Collateral to be Surrendered (identify property and add street address, if applicable)	Value of Surrendered Collateral	Remaining Unsecured Debt
Hyundai Financial	2024 Hyundai Santa Cruz	\$32,387.00	\$18,327.00

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Name of Creditor	Collateral (identify property and add street address, if applicable)
Ally Financial	co-Debtor on Auto Finance --- 2020 Nissan Murano

g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE

Name of Creditor	Collateral (identify property and add street address, if applicable)	Amount	Interest Rate	Total Amount to be Paid through the plan by Trustee

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Name of Creditor	Basis For Separate Classification	Treatment	Amount to be Paid by Trustee

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Name of Creditor	Arrears to be Cured and paid by Trustee	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment to be Paid Directly to Creditor by Debtor

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal, and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Name of Creditor	Nature of Collateral (identify property and add street address, if applicable)	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Name of Creditor	Collateral (identify property and add street address if applicable)	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

d. Where the Debtor retains collateral, upon completion of the Plan and issuance of the Discharge, affected Debtor may take all steps necessary to remove of record any lien or portion of any lien discharged.

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Chapter 13 Standing Trustee Fees, upon receipt of funds
- 2) Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: April 10, 2024

Explain below **why** the plan is being modified:

The plan is being amended the pay mortgage arrears to the secured creditor AmeriSave/Dmi.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10: Non-Standard Provision(s):

Non-Standard Provisions:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*.

I certify under penalty of perjury that the above is true.

Date:

4/30/2024

Debtor

Date:

Joint Debtor

Date:

4/30/2024

Attorney for the Debtor(s)

Fitzgerald & Associates, PC
Nicholas Fitzgerald Esq. NF/6129
649 Newark Avenue
Jersey City, NJ 07306-2303
(201) 533-1100
Email: nickfitz.law@gmail.com
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY -- NEWARK

-----X
In re: **Chapter 13**

Chapter 13 Case No. 24-13654-VFP

Jose Carlos Garriga Bencomo

Date Case Filed: April 10, 2024

-----X
SUMMARY OF FIRST AMENDED PLAN -- PRE CONFIRMATION

-----XXX
\$53,000 to the unsecured creditors
\$2,457.91 -- Mortgage arrears
\$3,750 -- legal fees to Fitzgerald

Sub-total: \$59,207.91

Plus \$5,920.79 -- 10% of \$59,207.91 -- which is the
government fee for administering the case

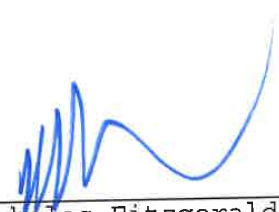
Grand total: \$65,128.70 to be paid over 60 months at the
rate of \$1,040.00 per month for 2 months -- May and June 2024 --
and then the remaining \$63,048.70 at the rate of \$1,087.04
rounded up to \$1,088.00 for 58 months

-----XXX

Date: 04/30/2024



Jose Carlos Garriga Bencomo
Debtor



Nicholas Fitzgerald
Attorney

In re:
Jose Carlos Garriga Bencomo
Debtor

Case No. 24-13654-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: May 01, 2024

User: admin
Form ID: pdf901

Page 1 of 3
Total Noticed: 31

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 03, 2024:

Recip ID	Recipient Name and Address
db	+ Jose Carlos Garriga Bencomo, 740 Forest Street, Kearny, NJ 07032-3809
520220261	+ Cordova Legal Group, 102 NE 2nd Street, Boca Raton, FL 33432-3908
520220264	+ Hc Roya, 340 Coyier Ln, Madison, WI 53713-2151
520220268	+ Kia Motors, 10550 Talbert Avenue, Fountain Valley, CA 92708-6031
520220273	+ Umb Ccprog, 921 Walnut St, Kansas City, MO 64106-2017
520220274	+ Wf Crd Svc, Po Box 3696, Portland, OR 97208-3696

TOTAL: 6

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	May 01 2024 20:50:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpregion03.ne.ecf@usdoj.gov	May 01 2024 20:50:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	May 01 2024 21:14:33	AIS Portfolio Services, LLC, Attn: Ally Capital De, 4515 N. Santa Fe Ave, Dept APS, Oklahoma City, OK 73118-7901
520220249	+ Email/PDF: AffirmBKNotifications@resurgent.com	May 01 2024 21:01:07	Affirm, 633 Folsom Street, San Francisco, CA 94107-3600
520220250	+ Email/PDF: AffirmBKNotifications@resurgent.com	May 01 2024 21:14:32	Affirm Inc, 30 Isabella Street, Floor 4, Pittsburgh, PA 15212-5862
520226516	+ Email/PDF: acg.acg.ebn@aisinfo.com	May 01 2024 21:13:12	Ally Capital, AIS Portfolio Services, LLC, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
520243382	+ Email/PDF: acg.acg.ebn@aisinfo.com	May 01 2024 21:13:30	Ally Capital c/o AIS Portfolio Services, LLC, 4515 N. Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
520220252	+ Email/Text: ally@ebn.phinsolutions.com	May 01 2024 20:49:00	Ally Fincl, P.O. Box 380901, Bloomington, MN 55438-0901
520220253	+ Email/PDF: bncnotices@becket-lee.com	May 01 2024 21:02:17	American Express Business, PO Box 1270, Newark, NJ 07101-1270
520220256	+ Email/PDF: bncnotices@becket-lee.com	May 01 2024 21:01:41	Amex, 4315 South 2700 West, Salt Lake City, UT 84184-0001
520220255	Email/PDF: bncnotices@becket-lee.com	May 01 2024 21:13:08	Amex, P.O. Box 7871, Fort Lauderdale, FL 33329
520220257	+ Email/Text: creditcardbkcorrespondence@bofa.com	May 01 2024 20:49:00	Bk Of Amer, Pob 15026, Wilmington, DE 19850-5026
520220258	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 01 2024 21:02:16	Cbna/Best Buy, Po Box 6497, Sioux Falls, SD

District/off: 0312-2

User: admin

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Date Rcvd: May 01, 2024

Form ID: pdf901

Total Noticed: 31

520220259	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 01 2024 20:50:00	57117-6497 Ccb/Chldplce, Po Box 182120, Columbus, OH 43218-2120
520220262	Email/Text: mrdiscen@discover.com	May 01 2024 20:49:00	Discoverbank, Pob 15316, Wilmington, DE 19850
520220254	Email/Text: BKCourtNotices@yourmortgageonline.com	May 01 2024 20:50:00	Amerisve/Dmi, 1 Corporate Dr, Lake Zurich, IL 60047
520230436	+ Email/Text: mrdiscen@discover.com	May 01 2024 20:49:00	Discover Bank, P.O. Box 3025, New Albany OH 43054-3025
520220263	+ Email/Text: GSBankElectronicBankruptcyNotice@gs.com	May 01 2024 20:50:00	Gs Bank/Apple Card, Lockbox 6112, Philadelphia, PA 19170-0001
520220265	Email/Text: headwaybnc@enova.com	May 01 2024 20:49:00	Headway Capital, 175 W Jackson Blvd, Suite 1000, Chicago, IL 60604
520220266	+ Email/Text: Hcabankruptcy-courtntices@hcamerica.com	May 01 2024 20:51:00	Hyundai Finc, 10550 Talbert Av, Fountain Valle, CA 92708-6032
520220267	+ Email/Text: Hcabankruptcy-courtntices@hcamerica.com	May 01 2024 20:51:00	Hyundai Finc, 10550 Talbert Av, Fountain Valley, CA 92708-6032
520220260	Email/PDF: ais.chase.ebn@aisinfo.com	May 01 2024 21:01:06	Chase Business Card, PO Box 15299, Wilmington, DE 19850
520220270	^ MEBN	May 01 2024 20:48:11	Prosper Marketplace In, 221 Main St Ste 300, San Francisco, CA 94105-1909
520220271	+ Email/PDF: SoFiBKNotifications@resurgent.com	May 01 2024 21:01:05	Sofi Bank, 2750 E Cottonwood Pkwy, Cottonwood Heights, UT 84121-7285
520220272	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 01 2024 21:13:22	Thd/Cbna, Po Box 9714, Gray, TN 37615-9714
TOTAL: 25			

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
520220251		Aizletty Mizabal Garcia
520220269		Lisley C. Garcia

TOTAL: 2 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 03, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 30, 2024 at the address(es) listed below:

Name	Email Address
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District/off: 0312-2

User: admin

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Date Rcvd: May 01, 2024

Form ID: pdf901

Total Noticed: 31

Denise E. Carlon

on behalf of Creditor AmeriSave Mortgage Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com

Marie-Ann Greenberg

magecf@magtrustee.com

Nicholas Fitzgerald

on behalf of Debtor Jose Carlos Garriga Bencomo fitz2law@gmail.com nadiafinancial@gmail.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4